



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.  
*Katherine A. Thomas*  
Executive Director of the Board

## BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED ORDER
Vocational Nurse License Number 219895	§	FOR
issued to STEPHEN LEE SMITH	§	KSTAR PILOT PROGRAM

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of STEPHEN LEE SMITH, Vocational Nurse License Number 219895, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on December 14, 2016.

### FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in inactive status.
4. Respondent received a Certificate in Vocational Nursing from The Army Practical Nurse Course at Fort Sam Houston, San Antonio, Texas, on December 2, 2008. Respondent was licensed to practice vocational nursing in the State of Texas on January 13, 2009.
5. Respondent's nursing employment history includes:

1/2009 - 3/2013	Combat Licensed Vocational Nurse (LVN)	United States Army Iraq
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Respondent's nursing employment history continued:

2/2009 - 7/2009	Staff LVN	Heart of the Valley-Avamere Corp. Corvallis, Oregon
8/2010 - 10/2010	Staff LVN	Villa Pueblo Skilled Nursing, Centura Health Organization Pueblo, Colorado
10/2010 - 3/2012	Staff LVN	St. David's Medical Center, Anesthesia Department Austin, Texas
1/2012 - 7/2015	Emergency Room (ER) Staff Nurse	St. David's Medical Center Austin, Texas
8/2015 - Current		Not employed in Nursing

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as an Emergency Room (ER) Staff Nurse with St. David's Medical Center, Austin, Texas, and had been in that position for three (3) years and five (5) months.
7. On or about June 9, 2015, while employed as an Emergency Room (ER) Staff Nurse with St. David's Medical Center, Austin, Texas, Respondent practiced outside of his facility authorized scope of practice when he administered intravenous (IV) Valium to Patient Account Number L00071918087, and incorrectly documented that the drug was verified and administered in the presence of a Registered Nurse (RN). Respondent's conduct exposed the patient to a risk of harm from IV medication administered by staff without sufficient training and competency. In addition, Respondent's conduct resulted in an inaccurate medical record, and was likely to injure the patient in that subsequent care givers would rely on his documentation to provide further care.
8. On or about June 10, 2015, while employed as an Emergency Room (ER) Staff Nurse with St. David's Medical Center, Austin, Texas, Respondent practiced outside of his facility authorized scope of practice when he twice administered IV Diltiazem to Patient Account Number L00071906706, and incorrectly documented that the drug was verified and administered in the presence of an RN. Respondent's conduct exposed the patient to a risk of harm from IV medication administered by staff without sufficient training and competency. In addition, Respondent's conduct resulted in an inaccurate medical record, and was likely to injure the patient in that subsequent care givers would rely on his documentation to provide further care.

9. In response to the incidents in Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that the ER was very busy and it was frequently difficult to find a charge nurse or team leader to administer IV medications. Respondent states that the administrations of the Diltiazem on June 10, 2015 were due to a misunderstanding of the policy. Respondent had informed his charge nurse regarding the upcoming administration of Diltiazem and the charge nurse was located close by, so he thought it would be acceptable to administer the medications. Respondent states that on July 9, 2015, due to the urgency of the need to perform a lumbar puncture to rule out intracranial hemorrhage, he opted to administer the IV Valium when he could not find a RN to administer it. Respondent points out he informed his charge nurse of his administration and of his documentation of the administration.

### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C),(1)(D),(1)(M), & (1)(P)&(2)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(C)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 219895, heretofore issued to STEPHEN LEE SMITH.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

### TERMS OF ORDER

#### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

## **II. COMPLIANCE WITH LAW**

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Order.

## **III. KNOWLEDGE, SKILLS, TRAINING, ASSESSMENT AND RESEARCH (KSTAR) PILOT PROGRAM**

IT IS AGREED and ORDERED that RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the Knowledge, Skills, Training, Assessment and Research (KSTAR) Pilot Program and RESPONDENT SHALL:

- (A) Within forty-five (45) days of entry of this Order, apply to and enroll in the KSTAR Pilot Program, including payment of any fees and costs, unless otherwise agreed in writing;
- (B) Submit to an individualized assessment designed to evaluate RESPONDENT'S nursing practice competency and to support a targeted remediation plan;
- (C) Follow all requirements within the remediation plan, if any;
- (D) Successfully complete a Board-approved course in Texas nursing jurisprudence and ethics as part of the KSTAR Pilot Program; and
- (E) Provide written documentation of successful completion of the KSTAR Pilot Program to the attention of Monitoring at the Board's office.

**IV. FURTHER COMPETENCY ISSUES AND VIOLATIONS**

IT IS FURTHER AGREED, SHOULD RESPONDENT'S individualized KSTAR Pilot Program assessment identify further competency issues and violations of the Nursing Practice Act, including inability to practice nursing safely, further disciplinary action, up to and including revocation of Respondent's license(s) to practice nursing in the State of Texas, may be taken based on such results in the assessments.

**V. RESTORATION OF UNENCUMBERED LICENSE(S)**

Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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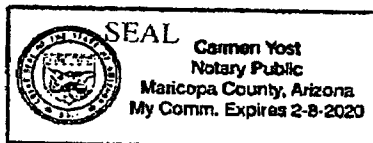
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the entry of this Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that when this Order becomes final and the terms of this Order become effective, a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 3<sup>rd</sup> day of January, 2017.

[Signature]  
STEPHEN LEE SMITH, Respondent

Sworn to and subscribed before me this 3<sup>rd</sup> day of January, 2017.



[Signature]  
Notary Public in and for the State of Arizona

Approved as to form and substance.

Taralynn R. Mackay  
Taralynn R. Mackay, Attorney for Respondent

Signed this 3<sup>rd</sup> day of January, 2017.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 3<sup>rd</sup> day of January, 2017, by STEPHEN LEE SMITH, Vocational Nurse License Number 219895, and said Order is final.

Effective this 14<sup>th</sup> day of February, 2017.

A handwritten signature in black ink, appearing to read "Katherine A. Thomas".

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Katherine A. Thomas, MN, RN, FAAN  
Executive Director on behalf  
of said Board